

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**ORDER ON UNOPPOSED MOTION FOR ENTRY OF ORDER
REGARDING CONDUCT OF EXPERT DEPOSITIONS**

Function Media will present for deposition its expert on infringement on December 30, 2009. Function Media may object to questions by Google and instruct its expert not to answer if that expert is questioned on December 30 on issues relating specifically to validity.

Google will present for deposition its expert on validity on December 31, 2009. Google may object to questions by Function Media and instruct its expert not to answer if that expert is questioned on December 31 on issues relating specifically to infringement.

Function Media will present for deposition its expert on validity on January 7, 2010. Function Media may object to questions by Google and instruct its expert not to answer if that expert is questioned on January 7 on issues relating specifically to infringement.

Google will present for deposition its expert on infringement on January 8, 2010. Google may object to questions by Function Media and instruct its expert not to answer if that expert is questioned on January 8 on issues relating specifically to validity.

For purposes of clarity, questions regarding the scope or meaning of the claims of the patent potentially relate both to infringement and validity. Accordingly, instructions not to answer such questions shall be improper at any expert deposition.